



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings on Various Parcels Throughout the City - and set the matter for Public Hearing on August 5, 1998

MEETING DATE: July 1, 1998

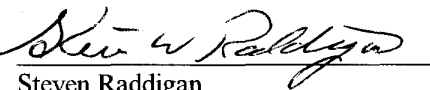
PREPARED BY: Fire Marshal

RECOMMENDED ACTION: That the City Council adopt the attached resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings on Various Parcels Throughout the City - and further set the matter for public hearing for the regular City Council meeting of August 5, 1998.

BACKGROUND INFORMATION: Throughout the spring and summer months, the Lodi Fire Department has an ongoing program of contacting property owners to remove weeds on property they own within the City. Follow-up contacts are made in an effort to have the weeds removed at the earliest possible date.

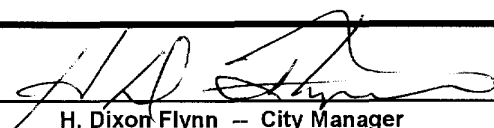
A list of the various parcels within the City that are not in compliance with weed abatement requirements will be prepared by the Fire Department prior to the meeting. It is recommended that Council adopt the attached resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings, as provided under the State of California Government Code Section 39501, et seq. (see Exhibit A attached). The subject resolution also calls for a public hearing to be held concerning this matter at the regular City council meeting of August 5, 1998.

FUNDING: None required.


Steven Raddigan
Fire Marshal

SR/cs

APPROVED: _____


H. Dixon Flynn -- City Manager

RESOLUTION NO. 98-108

RESOLUTION DECLARING WEEDS A PUBLIC NUISANCE
AND INITIATING ABATEMENT PROCEEDINGS ON VARIOUS
PARCELS THROUGHOUT THE CITY

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RESOLVED by the City Council of the City of Lodi that:

1. The Council elects to proceed under Government Code §§ 39501-39588 to declare as a public nuisance and abate:

- a) all weeds growing upon streets, sidewalks and private property in the City;
and
- b) all rubbish, refuse and dirt upon parkways, sidewalks and private property
in the City.

In this resolution and in all subsequent proceedings, weeds means weeds which, when mature, bear wingy or downy seeds which will attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, and includes sagebrush, chaparral, poison oak and poison ivy, when the conditions of growth are such as to constitute a menace to the public health, dry grass, stubble, brush, litter and all other flammable material which endangers the public safety by creating a fire hazard.

2. The City Council declares as a public nuisance:

- a) all weeds growing upon the streets, sidewalks and private property in the
City; and
- b) all rubbish, refuse and dirt upon parkways, sidewalks and private property
in the City.

3. The properties upon which or in front of which the nuisance declared in paragraph 2 exist are described in EXHIBIT "A" attached hereto and made a part hereof by reference. The Council finds and declares that weeds on or in front of the parcel specified in EXHIBIT "A" are seasonal and recurrent in nature. In accordance with Government Code §39562.1, the seasonal and recurrent nuisances shall be abated under §§39501-39588 and upon the second and subsequent occurrence in the same calendar year, no further hearings will be held and notice shall be by mailing a post card as provided in §39562.1.

4. The Public Works Director is the person designated to perform the duties imposed by Government Code §§39560-39588 upon the Superintendent, and all references in these proceedings to Superintendent means that person.

5. Wednesday, August 5, 1998 at the hour of 7:00 o'clock p.m. in the Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, is fixed as the time and place for hearing all objections to the proposed removal of weeds, rubbish, refuse and dirt.

6. The Superintendent shall prepare notices as follows, and the heading of the notice shall read "Notice to destroy weeds and remove rubbish, refuse and dirt" in letters not less than 1" in height. The notice shall be substantially in the following form:

NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND DIRT

Notice is hereby given that on the 1st day of July, 1998, the City Council of the City of Lodi passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the City and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse, and dirt are hereby notified to attend a meeting of the Lodi City Council to be held in the Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California on August 5, 1998 at the hour of 7:00 o'clock p.m. when their objections will be heard and given due consideration.

Dated this 1st day of July, 1998.

Street Superintendent
Director of Public Works
City of Lodi

7. The superintendent is instructed to cause copies of the notice to be conspicuously posted on or in front of the property on which the nuisance exists. He shall post the notice at least 5 days before the time fixed for hearing objections by the City Council. He shall post 1 notice to each separately owned parcel of property of not over 50-foot frontage; not more than 2 notices to each separately owned parcel of property of between 50-foot frontage and 100-foot frontage; and notices at not more than 100 feet apart if the frontage of the parcel is greater than 100 feet.
8. In addition to posting, the City Clerk shall mail written notice of the proposed abatement pursuant to Government Code §39567.1 to all persons owning property described in paragraph 3 of this resolution. The notice shall be mailed to each person to whom the property is assessed as shown on the last equalized assessment roll. The City Clerk shall mail the notice at least 5 days before the time set for the hearing. The notice shall be in substantially the form described above which is posted on the property, except that the notice shall be signed by the City Clerk and the notice need not contain the heading in 1" letters.

Dated: July 1, 1998

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I hereby certify that Resolution No. 98-108 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 1, 1998, by the following vote:

AYES: COUNCIL MEMBERS – Johnson, Land, Mann, Pennino and
Sieglock (Mayor)

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None


ALICE M. REIMCHE
City Clerk

EXHIBIT A

| | | |
|-----|------------------------|------------------------------|
| 497 | STAR MARKET | A.P.N.: 0473240009 |
| 1- | 741 S CHEROKEE LN | 741 S CHEROKEE LN NORTH AREA |
| | LODI, CA 95240 | |
| 500 | CHRIS KESZLER | A.P.N.: 0582100013 |
| 1- | 314 W LODI AVE | 1625 W HARNEY LN |
| | LODI, CA 95241 | |
| 502 | GALOWOOD ASSOC LTD PTP | A.P.N.: 015520027 |
| 1- | 777 S HAM LN STE L | 2439 INGLEWOOD DR |
| | LODI, CA 95242 | |
| 503 | GALOWOOD ASSOC LTD PTP | A.P.N.: 0155200031 |
| 1- | 777 S HAM LN STE L | 2453 INGLEWOOD DR |
| | LODI, CA 0 | |
| 504 | GALOWOOD ASSOC LTD PTP | A.P.N.: 0155200003 |
| 1- | 777 S HAM LN STE L | 2464 INGLEWOOD DR |
| | LODI, CA 95242 | |
| 505 | GALOWOOD ASSOC LTD PTP | A.P.N.: 0155200006 |
| 1- | 777 S HAM LN STE L | 2456 INGLEWOOD DR |
| | LODI, CA 95242 | |
| 506 | GALOWOOD ASSOC LTD PTP | A.P.N.: 0155200007 |
| 1- | 777 S HAM LN STE L | 2448 INGLEWOOD DR |
| | LODI, CA 95242 | |
| 507 | GALOWOOD ASSOC LTD PTP | A.P.N.: 0155200010 |
| 1- | 777 S HAM LN STE L | 2440 INGLEWOOD DR |
| | LODI, CA 95242 | |
| 508 | GALOWOOD ASSOC LTD PTP | A.P.N.: 0155200011 |
| 1- | 777 S HAM LN STE L | 2432 INGLEWOOD DR |
| | LODI, CA 95242 | |
| 509 | GALOWOOD ASSOC LTD PTP | A.P.N.: 0155200014 |
| 1- | 777 S HAM LN STE L | 2424 INGLEWOOD DR |
| | LODI, CA 95242 | |
| 510 | GALOWOOD ASSOC LTD PTP | A.P.N.: 0155200015 |
| 1- | 777 S HAM LN STE L | 2416 INGLEWOOD DR |
| | LODI, CA 95242 | |
| 511 | GALOWOOD ASSOC LTD PTP | A.P.N.: 0155200002 |
| 1- | 777 S HAM LN STE L | 2472 INGLEWOOD DR |
| | LODI, CA 95242 | |
| 512 | GALOWOOD ASSOC LTD PTP | A.P.N.: 0155200016 |
| 1- | 777 S HAM LN STE ; | 2410 INGLEWOOD DR |
| | LODI, CA 95242 | |

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|----------------|-------------------------------------------------------------------|-------------------------------------------------------------|
| 513 1- | DAVE WILLIAMS & ASSOC 1101 W KETTLEMAN LN #4 LODI, CA 95242 | A.P.N.: 0273500029 1011 GENEVA WAY |
| 4 1-8.0 | ARNAIZ DEVELOPMENT CO PO BOX 8492 STOCKTON, CA 95208 | A.P.N.: 041-310-15 417 W. MOKELUMNE RIVER DR.-VACANT LOT |
| 9 1-28.0 | KATHLEEN KELLY 694 E 6TH ST CHICO, CA 95928 | A.P.N.: 049-180-13 1127 EAST BLACK DIAMOND WAY |
| 13 1-36.0 | LEO BURKE 1098 E WOODBRIDGE RD WOODBRIDGE, CA 95258 | A.P.N.: 049-170-22 804 EAST BLACK DIAMOND WAY |
| 14 1-38.0 | LEO BURKE 1098 E WOODBRIDGE RD WOODBRIDGE, CA 95258 | A.P.N.: 049-170-21 810 EAST BLACK DIAMOND WAY |
| 15 1-40.0 | IDA HOFFMAN 1635 EDGEWOOD DR LODI, CA 95240 | A.P.N.: 049-180-25 1008 EAST BLACK DIAMOND WAY |
| 16 1-41.0 | IDA HOFFMAN 1635 EDGEWOOD DR LODI, CA 95240 | A.P.N.: 049-180-24 1014 EAST BLACK DIAMOND WAY |
| 17 1-42.0 | IDA HOFFMAN TRS 1635 EDGEWOOD DR LODI, CA 95240 | A.P.N.: 049-180-23 1020 EAST BLACK DIAMOND WAY |
| 18 1-43.0 | IDA HOFFMAN TRS 1635 EDGEWOOD DR LODI, CA 95240 | A.P.N.: 049-180-22 1026 EAST BLACK DIAMOND WAY |
| 197 1-106.0 | THOMAS AND CATHY TUCKER 2043 KENWAY CT LODI, CA 95242 | A.P.N.: 043-111-05 336 EAST LOCUST STREET |
| 230 1-108.0 | H D ARNAIZ CORP PO BOX 8596 STOCKTON, CA 95208 | A.P.N.: 041-460-40 548 YOKUTS DRIVE - VACANT AREA |
| 499 1-498 | DAVE MUSTIN 1 SUNSET DR N LODI, CA 95240 | A.P.N.: 0430710001 40 NORTH MAIN ST |
| 33 2-2.0 | GLADYS BOWLES 5828 E FAIRLANE RD ACAMPO, CA 95220 | A.P.N.: 047-342-03 508 SOUTH CENTRAL AVENUE |

| | | |
|---------------|-------------------------------------------------------------------------|-------------------------------------------------|
| 270 2-4.0 | SHIRLEY Y COPP 483 SUNSET RT 2 SAN ANDREAS, CA 95249 | A.P.N.: 047-210-26 610 S WASHINGTON STREET |
| 69 3-17.0 | WILLDON LAND CO 2754 COUNTRY CLUB CT STOCKTON, CA 95204 | A.P.N.: 058-370-02 2150 W KETTLEMAN LANE |
| 79 3-29.0 | TAJ & SHAKILA KHAN 1112 RIVERGATE DR LODI, CA 95240 | A.P.N.: 058-160-25 1423 S. LAKESHORE DR. |
| 83 4-6.0 | LEOPOLDO HERNANDEZ 602 S SACRAMENTO LODI, CA 95240 | A.P.N.: 045-240-07 713 S. SACRAMENTO ST. |
| 127 4-7.0 | JAMES SHERIDAN QUINN 811 S PLEASANT AVE LODI, CA 95240 | A.P.N.: 045-180-19 811 SOUTH PLEASANT AVENUE |
| 184 4-21.0 | ARTURO LOPEZ 1920 S CHURCH ST LODI, CA 95240 | A.P.N.: 027-300-01 905 INTERLAKEN DR. |
| 199 4-33.0 | CHRIS & LAVETA KESZLER 317 W LODI AVE LODI, CA 95240 | A.P.N.: 027-350-04 1151 HEIDELBERG WAY |
| 110 5-4.0 | MICHAEL & CATHY NILSSEN 612 NEVINS DR LODI, CA 95242 | A.P.N.: 041-340-01 803 N. SACRAMENTO ST. |
| 116 5-14.0 | CAREY DEVELOPMENT CO 2575 GRAND CANAL BLVD 301 STOCKTON, CA 95207 | A.P.N.: 015-300-09 1000 BLOCK WOODHAVEN LN. |
| 262 5-15.0 | DANA SMITH 211 AVENA AVE LODI, CA 95240 | A.P.N.: 015-230-29 1245 WOODHAVEN LANE |



DECLARATION OF MAILING

RESOLUTION DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS ON VARIOUS PARCELS THROUGHOUT THE CITY AND SETTING THE MATTER FOR PUBLIC HEARING ON AUGUST 5, 1998 AT 7:00 P.M.

On July 2, 1998, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 2, 1998, at Lodi, California.

ORDERED BY:

**ALICE M. REIMCHE
CITY CLERK**

Jacqueline L. Taylor
Deputy City Clerk

Jennifer M. Perrin
Deputy City Clerk